

1 **PROVIDENCE CITY COUNCIL MEETING MINUTES**

2 **April 28, 2015 6:00 p.m.**

3 **15 South Main, Providence UT**

4
5 Call to Order: Mayor Calderwood
6 Roll Call of City Council Members: Mayor Calderwood
7 Attendance: Jeff Baldwin, Bill Bagley, Ralph Call, J Drew, John Russell
8 Scout Troop 315
9 Pledge of Allegiance: Ryan Anderson, Troop 315

10 **Approval of the Minutes:**

11 Item No. 1. The Providence City Council will consider approval of the minutes of April 14, 2015 City
12 Council meeting.

13 **Motion to approve the minutes of April 14, 2015 with the following corrections: J Russell, second – B**
14 **Bagley**

- 15 • Page 1, line 19 – add J Drew – add to attendance
- 16 • Page 3, Line 4 – J Baldwin feels the council is lacking information on infrastructure capacities.
- 17 • Page 3, Line 26 – delete

18 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

19 **Nay: None**

20 **Abstained: None**

21 **Excused: None**

22 **Public Comments:** Citizens may appear before the City Council to express their views on issues within
23 the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per
24 person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it
25 arose subsequent to the posting of this agenda and the City Council determines that an emergency
26 exists.

- 27 • No public comments.

28 **Business Items:**

29 Item No. 1. Resolution 007-2015. The Providence City Council will consider for adoption a resolution
30 amending the Providence City Public Works Standards and Specification Manual by adding Drawing No.
31 C-8 Clear View Detail.

32 **Motion to adopt: J Russell, second – B Bagley**

- 33 • Rowan Cecil said in many areas of the city there are clear view violations. 300 South, Meadow
34 Lane and 500 South fences are all in violation. People feel there should be some consistency
35 throughout the city. He would like violators to be given a warning first, then fine \$25 for each
36 day the violation continues. People should know there is a fine and penalty for obstructing the
37 view. Also, many people expressed their immense dislike of the chip seal. He also received
38 complaints from four people who were not in favor of the way the Baugh property was
39 approved and many citizens were not in favor of the City Council's vote regarding the
40 annexation two weeks ago.
- 41 • J Baldwin asked Rowan when the clear view ordinance was adopted. Rowan said 1991.
42 Everything before that was grandfathered in. J Baldwin said his understanding is that the clear
43 view ordinance would be changed, rather it was just a drawing to make it more easily
44 understood.
- 45 • R Call asked if the current ordinance was correct or if it needed to be modified.
- 46 • C Rowan said heights appear to be okay, and 30' appears to be okay if people are driving the
47 speed limit.
- 48 • B Bagley asked about the semi parked at 300 South and Meadow Lane. R Cecil said it hasn't

1 been around for a while, but there have been a number of complaints regarding this semi.

- 2 • B Bagley asked about the fences mentioned in R Cecil's report. R Cecil said the two instances he
- 3 checked on the owners were waiting to see what the City would do. The obstruction is into the
- 4 30' clear view by quite some distance.
- 5 • R Call said the ordinance is an overkill. 20' is sufficient. When you include the 30' back from the
- 6 property line and the sidewalk and park strip, it's too much. Heights should be allowed as long
- 7 as you can see over it when sitting in a car. He feels like the most dangerous places he can think
- 8 of are not protected by this ordinance.
- 9 • J Baldwin does not feel a 30' setback is too much.
- 10 • J Russell appreciated R Cecil's work, but feels this comes down to how people drive. Some
- 11 corners are just difficult. He feels 30' is appropriate.
- 12 • B Bagley asked Randy Eck if this was a problem city wide.
- 13 • R Eck said there is a problem. The drawing was supposed to help clarify and resolve the
- 14 problem. It doesn't stop what has been done in the past, but may help with future concerns.
- 15 • Mayor suggests approving the drawing tonight and then addressing the ordinance later if
- 16 needed.
- 17 • R Call said he disagrees with the ordinance, not the drawing. He feels the ordinance needs to be
- 18 corrected first. He feels the ordinance is too restrictive. He'd like to see that fixed.

19 **Vote: Yea: B Bagley, J Baldwin, J Drew, J Russell**

20 **Nay: R Call**

21 **Abstained: None**

22 **Excused: None**

- 23 • J Baldwin suggested Planning Commission address this concern.

24 Item No 2. Resolution 011-2015. The Providence City Council will consider for adoption a resolution

25 approving amendments to the Transportation Element and associated map of the Providence City

26 General Plan.

27 **Motion to adopt Resolution 011-2015 amending the Providence City Transportation Element: J**

28 **Baldwin, second – J Drew**

- 29 • J Baldwin said this has been in planning the last 6 months. Planning broke the city up into four
- 30 quadrants. These are proposed roads based on where future growth may occur. Planning
- 31 Commission tried to do a reasonable traffic plan to move traffic north and west without
- 32 overburdening only one or two specific streets. Corridors now provide secondary access to
- 33 many subdivisions and connectivity between subdivisions. Traffic with the new high school was
- 34 considered in the southwest section of town. This is just a general plan and as development
- 35 comes in it can be refined, but this map represents a uniform flow of traffic throughout the city.
- 36 • R Call mostly disagrees with the plan. He thinks it is backward looking and not forward looking.
- 37 He feels it lacks bicycle and walking paths. It is impossible to maintain the status quo of big
- 38 vehicles and big wide roads. The state cannot afford these roads so taxes have been increased
- 39 to support the infrastructure. Canyon Road is a good profile with a smaller footprint and better
- 40 utility. We cannot sustain what has been done in the past – road profile, lack of consideration
- 41 for foot or bicycle or man powered traffic, mass transit, etc. It's incomplete and ill-considered.
- 42 • B Bagley said this is a general map of movement around the city by whatever means of
- 43 transportation is used.
- 44 • R call feels like this in only about vehicles. Alternate forms of transportation need to be
- 45 considered.
- 46 • J Baldwin said the plan shouldn't be tossed just because there aren't enough bicycle paths in
- 47 existing streets.

- J Drew said this is intended to address undeveloped areas of the city and that is somewhat difficult to create an entire new plan of the city with bicycle/walking paths without knowing what the future needs and development will be.
- J Drew said the Highlands area needs a second means of egress around 800 East. It is not on the map at all. 10th South extends right up along the deer fence and the north/south street is 800 East.
- Mayor said when the developer gets to that point he will have to decide where that second egress will be. The city can't dictate how that can be done.
- J Baldwin said with a general outlay in place, the developers can design according to the general plan.
- J Russell asked for Skarlet or Randy's opinion.
- S Bankhead said alternative routes of transportation were considered. Cache Valley Transit District and CMPO were represented. Planning Commission did discuss different alternatives. A public hearing was held and only one neighborhood opposed a small segment of road to be added. Planning Commission did not get feedback one way or the other, but alternative methods were discussed and not ignored.
- S Sanders said roads were changed to accommodate bicycles. A lot of effort went into this and it is discouraging to hear that some don't like it. This is just a concept and as the land develops and no plan is in place then chaos develops.
- J Baldwin commented that this has been under discussion for six months and Ralph never came to any of the Planning Commission meetings. It would have been nice if he would have given his input on things he felt strongly about.

Vote: Yea: B Bagley, J Baldwin, J Drew, J Russell

Nay: R Call

Abstained: None

Excused: None

- J Drew asked J Baldwin if funding for the general plan had been discussed. J Baldwin said as development comes in, they would carry the burden of cost for development.
- S Sanders said the plan should be reviewed and updated every year. If someone isn't happy with the plan, it can be addressed in those reviews. This is the first time it has been reviewed since 2007.

Item No.3. Ordinance No. 2015-003. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 4 Chapter Nuisances.

Motion to make this a discussion item tonight with the intent to continue until next meeting for further study: J Baldwin, second – J Russell

Vote: Yea: B Bagley, J Baldwin, R Call, J Russell

Nay: J Drew

Abstained: None

Excused: None

- J Baldwin said Logan's representative had a good plan. Start with least intrusive dialogue then move it forward from there. He likes that the sheriff does not show up on doorstep until a last resort. Our ordinance does not have a timeframe that allows for that to happen. He would like a simple flow chart that shows how the nuisance ordinance will be enforced.
- Mayor asked Skarlet to explain how the flow works under the present ordinance. S Bankhead said the city gets a complaint, we investigate and if the complaint has merit we contact violator by phone or by letter with a copy of the code that is in violation. We give them a reasonable time period, often as long as 90 days, to give people time to come into compliance. At the end of the time frame, if the person hasn't complied, we have the sheriffs department

1 follow up and issue a citation or involve Kevin Fife and prosecute. S Bankhead does not feel the
2 steps should be part of the ordinance, but rather a written policy on how staff handles
3 complaints would be more appropriate. We want to give people the opportunity to come into
4 compliance by themselves but at the same time, not be taken advantage of. We do our due-
5 diligence before we take people to task.

- 6 • J Drew said policy and ordinance are two different things. Policy should not be enumerated in
7 the ordinance.
- 8 • Mayor asked J Baldwin if he felt the City was too hasty.
- 9 • J Russell said J Baldwin said the majority of complaints are taken care of when the city informs
10 the violator. In that case the ordinance and the policy work. There is that percentage that no
11 matter what you do, there will be violators who will be a problem.
- 12 • Mayor said if we follow what Logan does, we will need more staff.
- 13 • R Call said he wrongly voted to continue this. Next meeting will be the same ordinance and he
14 will vote against it again. He does not agree with the ordinance. It has been studied long
15 enough. The only reason he voted to continue was because he does not agree with the
16 ordinance. He does not believe it will be rewritten and be less complicated. Our current
17 ordinance is too intrusive and our enforcement is by complaint rather than holding each
18 household or property to the standards of the ordinance. He favors uniform enforcement. It
19 should be simpler and easier to enforce.
- 20 • Mayor asked if R Call would be willing to rewrite the ordinance. He said he wouldn't because the
21 momentum of the council would vote against it. He does not feel we should pass any ordinance
22 we are not planning to enforce.
- 23 • Kent Dunkley commented that he does not like Logan City's ordinance or enforcement and feels
24 like they are the property police. For that reason, he does not want to live in Logan.
25 Enforcement should be on a case by case basis; then action should be taken. He does not want
26 Providence to be the same as Logan and feels there are people who won't live in Logan because
27 of the enforcement it has on residential and commercial property.
- 28 • J Drew said he does not feel like it should be an all or none situation. It will never be perfect. Mr.
29 Geier's comment was that they mostly address issues when they get complaints; they are not
30 out looking for violations. Logan has different circumstances than Providence does; 55% of the
31 City is rental properties. A more specific ordinance isn't necessarily adding more government; it
32 just makes it easier for staff and Kevin Fife to enforce the ordinance.
- 33 • R Call said he wants to vote so it isn't just continued to next meeting and discussed more.
- 34 • S Bankhead said she would like the council to consider the following paragraph as part of the
35 nuisance ordinance: *"Unless the nuisance is dangerous and detrimental to public safety, or*
36 *injurious to health; compliance, enforcement, and abatement applies to those areas visible from*
37 *a public right-of-way, generally front and side yards. Compliance, enforcement, and abatement*
38 *will apply to any portion of the property, whether visible or not from a public right of way, if the*
39 *nuisance is deemed dangerous, detrimental to public safety, or injurious to health."*
- 40 • J Baldwin said when he rewrote the ordinance he was under the impression that we wanted a
41 stricter ordinance. It may be abused if it's too restrictive. It could open the door if it is taken too
42 far.
- 43 • B Bagley asked if an Administrative Hearing Officer would necessitate adding staff.
- 44 • S Bankhead said it could be a current city council member, the mayor, appeal authority member,
45 etc. It does create a position we do not currently have, but it doesn't have to be a new hire.
- 46 • S Bankhead said our nuisance ordinance is not part of the land use ordinance so a member of
47 the appeal authority could be the AHO, but they would not be a part of the appeal authority
48 while they were acting as the AHO. Land use issues would have to be separated from nuisance

1 issues.

- 2 • J Russell said he would like R Call to write an ordinance and present it to the Council.
- 3 • R Call said he would but it will be very simplified compared to what we currently have and more
- 4 enforceable. If it is not the intention of the Council to pass a loose ordinance, he does not want
- 5 to invest the time necessary.

6 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

- 7 • R Eck: emailed report asked if there were any questions.
 - 8 ○ J Drew asked about water project on Edgehill. It is a completion from last year.
 - 9 ○ J Russell asked about Randy's thoughts regarding Nibley's recent water compromise. R
 - 10 Eck felt like they handled it very well. They cleaned up the contamination in record time.
 - 11 J Russell asked if the public works directors will be getting together to discuss
 - 12 prevention and procedure. R Eck said that will most certainly happen. What happened is
 - 13 exactly what should happen and other communities stepped up to help them out.
 - 14 ○ J Drew asked about the city wide alert system. R Eck said Nibley felt like social media
 - 15 was a great benefit. R Eck felt like there could be litigious action come out of this. Clean
 - 16 drinking water is the number one task of Public Works.
 - 17 ○ B Bagley said this has been discussed for years to get a system in place to notify citizens
 - 18 in case of emergencies. R Eck said he feels it would be a great emergency tool.
 - 19 ○ S Bankhead said she could have a representative from Smithfield come and present to
 - 20 the Council regarding a city wide alert system.
 - 21 ○ Mayor said he talked to Mayor Dustin and he said Providence was a very good neighbor.
 - 22 ○ R Eck said we need a debriefing with Nibley to see what they did right and what they did
 - 23 wrong.
- 24 • S Bankhead: Monthly financial statement for March emailed out. Legislature made ruling that
- 25 the vote by mail election for the City covers postage going out, but citizens will pay postage
- 26 coming back. This is a better method because election judges are hard to find and the county
- 27 will not set up electronic voting. Better turn out through vote by mail.
 - 28 ○ R Call said vote by mail does not certify the vote. Too much room for fraud.
 - 29 ○ S Bankhead said the county is doing its best to keep up on registered voters. This goes
 - 30 out to all active registered voters. Providence alone sent out over 400 absentee ballots
 - 31 on our election just a few years ago.
 - 32 ○ Mayor said signatures are required to certify the vote. He asked if the county does the
 - 33 mail-in ballot or the city.
 - 34 ○ S Bankhead said the city does the signature verification. Voter fraud is always going to
 - 35 be a problem, but the county does try to stay on top with current lists. Providence
 - 36 usually has about 30% voter turnout, but more would be better. Ballots can be dropped
 - 37 off rather than mailed back.
 - 38 ○ J Drew had a question about the financial statement – current year property taxes
 - 39 (general fund), higher than the 75%. Also the fire protection contract and the E-911
 - 40 service contract. County billed Providence even though the Council did not vote to
 - 41 upgrade the radios. Citizens were not billed for that so the revenues did not match. The
 - 42 money either has to come out of property taxes or it has to be added to the monthly
 - 43 utility bill. The E-911 would increase utility bills by \$1/month.
 - 44 ○ J Drew asked about water sales. Skarlet said we've had a dryer year and when people
 - 45 use more water, revenues go up.

46 **Council Reports:** Items presented by the City Council members will be presented as informational only;

47 no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting

48 of this agenda and the City Council determines that an emergency exists.

- B Bagley – checked on sales tax revenue, 9 months ago (August 2104) the tax commission did decrease the population. He would like to hear more discussion on the city alert system.
- J Drew – no report.
- R Call – we need to move forward on the car show. It will be at Macey’s parking lot this year.
- J Russell – no report.
- J Baldwin – no report.
- Mayor:
 - Presently we are taking 450,000 gallons of water out of Broad Hollow. For May we will go to the exchange. John Hubbard says as of now the city will get 1.5 cubic feet.
 - Thursday night meeting with Spring Creek Water Company concerning Edgewood lateral. We do have 60 shares on Edgewood lateral.
 - Met with Spring Creek Water Company at 300 South regarding opening/cleaning ditches. It is an irrigation situation and there is an ordinance stipulating they need to keep the ditch open and clean. SCWC will notify relevant homeowners.
 - Met last week with Mayor of Logan and the Mayors of the six cities regarding the interlocal agreement. Logan still has 67% of the vote on the Sewer Rate Committee (advisory) and still gets a percentage for administration and transfer fees.
 - Meeting with Mayors of Hyrum and Nibley was promising. Mayor felt like progress was made.

Executive Session:

Item No. 1. The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Item No. 2. The Providence City Council may enter into a closed session discuss pending litigation Utah Code 52-4-205(1) (c).

Item No. 3. The Providence City Council may enter into a closed session as allowed by Utah Code 52-4-205(1) (a).

Motion to enter executive session: J Drew, second – B Bagley

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Excused: None

Abstained: None

Motion to adjourn: J Baldwin, second – R Call

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Excused: None

Abstained: None



Don W. Calderwood, Mayor

Skarlet Bankhead, City Recorder

City Council Meeting

April 28, 2015

Please Sign In

Name

Ronan Cecil

City of Residence

Providence

